

REMARKS

In the Office Action, the Examiner objects to the drawings under 37 C.F.R. § 1.83(a) as not showing every feature specified in the claims; objects to the specification as not providing proper antecedent basis for the claimed subject matter; rejects claim 1 under 35 U.S.C. § 103(a) as unpatentable over LEUNG (U.S. Patent No. 6,466,580) in view of WAKEMAN et al. (U.S. Patent No. 5,594,702); allows claims 8-20; and objects to claims 2-7 as allowable if rewritten into independent form. Applicants respectfully traverse the objections to the drawings and specification and the rejection of claim 1 based on LEUNG and WAKEMAN et al.

By way of the present amendment, Applicants propose amending Fig. 3 to depict a forwarding engine. Applicants further amend the specification and claims 5-13 and 15-20 have been amended to improve form. No new matter has been added by way of the present amendment. Claims 1-20 remain pending.

At the outset, Applicants note with appreciation the indication that claims 8-20 are allowable over the art of record and that claims 2-7 would be allowable if rewritten into independent form to include all the features of the base claim and any intervening claims.

The Examiner objects to the drawings under 35 C.F.R. § 1.83(a) as allegedly not showing every feature specified in the claims. In particular, the Examiner alleges that the first data, second data, and a forwarding engine must be shown or the features canceled from the claims (Office Action, pg. 2). Applicants respectfully traverse.

As to the first data and second data, Fig. 4 illustrates an exemplary diagram of a register 350. Register 350 includes a port filter buffer 352 and an IRC buffer 354. In one implementation consistent with the principles of the invention, the contents of port filter buffer 352 may, for example, correspond to the recited first data and the contents of IRC buffer 354 may, for example, correspond to the recited second data. Applicants respectfully submit that the recited first data and second data are shown in the drawings.

As to the forwarding engine, Applicants propose amending Fig. 2 to depict that IRC 245 includes a forwarding engine (FE). Support for this proposed change can be found, for example, at paragraph 0037 of Applicants' specification that discloses that IRC 245 may include an internal decision making engine that makes frame forwarding decisions. Applicants have amended this paragraph of the specification to specifically indicate that the internal decision making engine is also known as a forwarding engine. Applicants respectfully submit that the recited forwarding engine is shown in the drawings.

For at least the foregoing reasons, Applicants respectfully request that the objection to the drawings be reconsidered and withdrawn.

The Examiner objects to the specification under 37 C.F.R. § 1.75(d)(1) as allegedly not providing proper antecedent basis for the claimed subject matter. In particular, the Examiner alleges that the terms "first and second data," "a forwarding engine," "first and second priorities," "low priority," and "valid" do not find support in the specification. Applicants respectfully disagree.

The terms "first and second data" recited in the claims find clear support in Applicants' specification. In one implementation consistent with the principles of the invention, the first data corresponds to the tag data generated by a port filter 310 (see paragraph 0049 of Applicants' specification). In one implementation consistent with the principles of the invention, the second data corresponds to the IRC data generated by IRC 245 (see paragraph 0052 of Applicants' specification). Accordingly, Applicants submit that these terms find clear support in Applicants' specification.

The phrase "forwarding engine" recited in the claims finds clear support in Applicants' specification. As described, for example, in paragraph 0037 of Applicants' specification, IRC 245 may include an internal decision making engine that makes frame forwarding decisions. Applicants have amended this paragraph of the specification to specifically indicate that the internal decision making engine is also known as a forwarding engine. Accordingly, Applicants submit that this phrase finds clear support in Applicants' specification.

The terms "first and second priorities" recited in the claims find clear support in Applicants' specification. As clearly indicated in Applicants' Fig. 5 and the description thereof, the first priority corresponds, in one implementation consistent with the principles of the invention, to the priority from the port filter buffer (see act 530 in Fig. 5; paragraph 0058). As clearly indicated in Applicants' Fig. 5 and the description thereof, the second priority corresponds, in one implementation consistent with the principles of the invention, to the priority from the IRC buffer (see act 550 in Fig. 5; paragraph 0059).

Accordingly, Applicants submit that the phrases "first priority" and "second priority" find clear support in Applicants' specification.

The phrase "low priority" recited in the claims finds clear support in the Applicants' specification. As clearly indicated in Applicants' Fig. 5 and the description thereof, low priority is assigned to a data frame when neither the port filter buffer nor the IRC buffer contains a valid priority indication (see act 560 in Fig. 5; paragraph 0060). Accordingly, Applicants submit that the phrase "low priority" finds clear support in Applicants' specification.

The term "valid" recited in the claims finds clear support in the Applicants' specification. As clearly indicated in paragraphs 0058 and 0059, it may be determined whether PF buffer 352 contains a valid priority indication and whether IRC buffer 354 contains a valid priority indication. Accordingly, Applicants submit that the phrase "valid" finds clear support in Applicants' specification.

For at least the foregoing reasons, Applicants respectfully request that the objection to the specification be reconsidered and withdrawn.

Claim 1 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over LEUNG in view of WAKEMAN et al. Applicants respectfully traverse.

Applicants submit that LEUNG does not qualify as prior art under 35 U.S.C. § 103(a). Accordingly, a rejection under 35 U.S.C. § 103(a) based on LEUNG is not a proper rejection.

35 U.S.C. § 103(c) qualifies 35 U.S.C. § 103(a) and states:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of

this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

(35 U.S.C. § 103(c)). LEUNG qualifies as prior art only under 35 U.S.C. § 102(e), and LEUNG and the present application are both assigned to Advanced Micro Devices, Inc. The inventors of both the LEUNG patent and the present application were subject to an obligation at the time the invention was made to assigned their rights in the invention to Advanced Micro Devices, Inc. Accordingly, LEUNG is not available to preclude patentability under 35 U.S.C. § 103(a).

For the Examiner's reference, Applicants note that LEUNG is not available under 35 U.S.C. § 102(a) as the language "known or used by others" refers to knowledge or use which is available to the public. See M.P.E.P. § 2132. LEUNG's publication date of October 15, 2002, is after the filing date of the present application. Therefore, LEUNG does not qualify as prior art under 35 U.S.C. § 102(a).

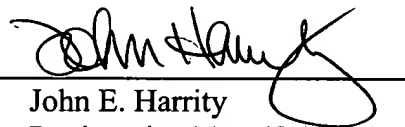
For at least the foregoing reasons, Applicants request that the rejection of claim 1 based on LEUNG and WAKEMAN et al. be reconsidered and withdrawn.

In view of the foregoing amendment and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Amendments to the Drawings:

Applicants propose amending Fig. 2 to show that IRC 245 includes a forwarding engine.

Attachment: Replacement Fig. 2